

Item _____

Prepared by: Dottie Jones

Approved by _____

Resolution requesting the Shelby County Delegation and Tennessee General Assembly support legislation amending Tennessee Code Annotated Title 39 and Title 40, Chapter 6, relative to the illegal possession of firearms, commission of crimes with the use of firearms and the offenders who commit such crimes. Sponsored by Commissioner Steve Mulroy.

WHEREAS, Shelby County has experienced an ever increasing use of illegal firearms in the commission of crimes; and

WHEREAS, The legal possession of a firearm is well-protected under the United States Constitution and governed by the laws of the State of Tennessee; and

WHEREAS, The illegal possession of a firearm often leads to the commission of a crime and such a crime should, upon its very commission, be classified as a felony offense; and

WHEREAS, Punishment for said felony offense should be enhanced if the illegal possession occurred under certain circumstances, such as within one and one-half miles of a school, park, playground or entertainment area; or while the defendant is on any form of pretrial release, suspended sentence or probation; and

WHEREAS, The Shelby County Board of Commissioners believes that if the offense occurs in a motor vehicle, the vehicle shall be confiscated, provided that confiscation of said vehicle could be avoided if a family member makes an affirmative showing that they were unaware of the gun possession and that the vehicle is needed by said family member to go to work or school or for child care purposes; and

WHEREAS, The law should also allow for enhanced bail for said felony offense, set at not less than \$5,000 unless the judge makes an affirmative finding that the ends of justice and the safety of the community will not in any manner be endangered if the defendant is released on a lower bail, and in any event should be no less than \$2,500; and

WHEREAS, Any person transferring a firearm to a juvenile who disregards a substantial risk that the juvenile will use said weapon in committing any crime, not only a felony crime, shall be charged with such offense; and

WHEREAS, There should be a 'super bounty fund' to be paid to individuals providing information leading to the arrest of any person who is engaged in the illegal gun trade, defined generally as having trafficked in at least five illegal guns in a twenty-four month period, with the cost of this fund and other measures defrayed by imposing a surcharge of \$200.00 on bail bonds in each illegal gun possession case to be paid prior to release; and

WHEREAS, It is a compelling and necessary public interest that the Tennessee General Assembly create an offender registry such that the public have information concerning persons convicted of these offenses to allow members of the public to adequately protect themselves and their children from these persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, That the Shelby County Delegation and Tennessee General Assembly are requested to support legislation amending Tennessee Code Annotated Title 39 and Title 40, a copy of which is attached hereto and incorporated herein by reference, relative to the illegal possession of firearms, commission of crimes with the use of firearms and the offenders who commit such crimes.

BE IT FURTHER RESOLVED, that the Shelby County Legislative Delegation and members of the Tennessee General Assembly be made aware of this request by copy of this resolution.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately, the public welfare requiring the same.

A C Wharton, Mayor

Date: _____

ATTEST:

Clerk of County Commission

ADOPTED: _____

SUMMARY SHEET

I. Description of Item

Resolution in support of legislation to amend Tennessee Code Annotated, Title 39 and Title 40, relative to the illegal possession of firearms, commission of crimes with the use of firearms and the offenders who commit such crimes. The proposed legislation states that:

The illegal possession of a firearm shall constitute the commission of a felony offense.

Punishment for said felony offense shall be enhanced if the illegal possession occurred:

- (1) Within one and one-half miles of a school, park, playground or entertainment area
- (2) While the defendant is on any form of pretrial release, suspended sentence or probation.

If the offense occurs in a motor vehicle, the vehicle shall be confiscated, provided that confiscation of said vehicle could be avoided if a family member makes an affirmative showing that they were unaware of the gun possession and that the vehicle is needed by said family member to go to work or school or for child care purposes.

Bail for said felony offense shall be set at not less than \$5,000 unless the judge makes an affirmative finding that the ends of justice and the safety of the community will not in any manner be endangered if the defendant is released on a lower bail, which in any event should be no less than \$2,500. All bail to be set in open court, then only after a full report from the State on the full circumstances of the arrest and history of the gun. Any defendant released on bail for a gun possession charge shall be required to report to a Day Reporting Center while on bail until the charge is disposed of.

Any person transferring a firearm to a juvenile who disregards a substantial risk that the juvenile will use said weapon in committing any crime, not only a felony crime, shall be charged with such offense.

There shall hereby be created a 'super bounty fund' to be paid to individuals providing information leading to the arrest of any person who is engaged in the illegal gun trade, defined generally as having trafficked in at least five illegal guns in a twenty-four month period. The cost of this 'super bounty fund' and other measures will be defrayed by imposing bail bonds in each illegal gun possession case, a surcharge of \$200.00 to be paid prior to release.

It is a compelling and necessary public interest that the Tennessee General Assembly create an offender registry such that the public have information concerning persons convicted of these offenses to allow members of the public to adequately protect themselves and their children from these persons.

II. Source and Amount of Funding

Not applicable.

III. Contract Items

Not applicable.

IV. Additional Information Relevant to Approval of this Item

Also attached is a copy of the text of proposed legislation.